IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 63 OF 2007

IN

CRIMINAL MISC. APPLICATION (MAIN) NO. 62 OF 2007

RICARDO NAZARETH OWNER OF CHIN CHONG RESTAURANT AND BAR ....Applicant

Versus

JOAO FRANCISCO D'SOUZA AND ANR ....Respondents

Mr. Prashant V. Vengurlekar, Advocate for the Applicant.

Coram:- N. A. BRITTO, J.

Date:- 16th March, 2007

P.C.

Heard Shri Vengurlekar, the learned Counsel on behalf of the applicant, who is respondent no.2 in proceedings taken under Section 145(1) of the Code. As per the petitioner/respondent no.2, it is he who was in possession of the house pursuant to a Leave and Licence Agreement dated 15.12.2005, executed between him and Francisco D' Souza, to whom the house belongs. Learned Advocate further submits that pursuant to the said Agreement dated 15.12.2005, the petitioner/respondent no.2 was in possession of the house when the conditional Order was made on 09.11.2006 but by virtue of an interim Order made by the learned SDM, dated 09.11.2006, he has been ordered to handover vacant possession to respondent no.1/party no.1, which is impermissible within the scope of Section 145 (1) of the Code.

2. In the light of that, there shall be stay in terms of prayer (ii) of Para 12 of the Petition. Application disposed of with liberty to the respondents

to apply for modification of this Order, if any.

N. A. BRITTO, J.

arp/*